

The following topics are discussed in this section:

SECTION	USE
4.4.1	Adult Entertainment Activities
4.4.2	Antenna Towers for Cellular Telecommunications Services or Personal Communications Services
4.4.3	Fences, Walls and Signature Entrances
4.4.4	Garage Sales
4.4.5	Home Occupations
4.4.6	Inactive Cemeteries
4.4.7	Minor Earth Excavations
4.4.8	Outdoor Sales, Displays and Storage
4.4.9	Refuse Disposal Containers
4.4.10	Swimming Pools
4.4.11	Portable Storage Devices

4.4.1 ADULT ENTERTAINMENT ACTIVITIES

- A. Adult entertainment activity may be permitted in the M-3 Industrial zoning district provided it is in conformance with all applicable federal, state, and local laws and regulations, including the provisions of this Land Development Code, and the following requirements:

1. The public entrance to an establishment engaging in adult entertainment activity shall not be located within 1,000 feet of any building containing a public or private elementary, middle, or secondary school, institution of higher education or business college, or any park-mall or park-like area of open space under the control of a governmental agency, or any building used for a place of religious worship, or any building used for a governmental function or public library. Such distance shall be measured along a straight line from the nearest property line of the property on which the building or public park-like area is located to the entrance to such establishment engaging in adult entertainment activity.
2. The public entrance to an establishment engaging in adult entertainment activity shall not be located within 1,000 feet of any area zoned R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-5B, R-6, R-7, R-8A, UN, OR, OR-1, OR-2, OR-3, OTF, TNZD, PRD, PVD, PD or any property used for residential purposes. Such distance shall be measured along a straight line from the boundary line of the nearest area zoned R-R, R-E, R-1, R-2, R-3, R-4, R-5,

Note: Persons engaging in or intending to engage in the business of conducting an adult entertainment activity are advised to consult the applicable ordinance of the jurisdiction regulating such activity to ascertain the extent of zoning and licensing regulations of such activities and whether the premises on which they are conducting or intending to conduct adult entertainment activities conform with said ordinances.

R-5A, R-5B, R-6, R-7, R-8A, UN, OR, OR-1, OR-2, OR-3, OTF, TNZD, PRD, PVD, PDD or used for residential purposes to the entrance to such establishment engaging in adult entertainment activity.

3. The public entrance to an establishment engaging in adult entertainment activity shall not be located within 1,000 feet of the public entrance of another adult entertainment activity establishment.
4. The public entrance to an establishment engaging in adult entertainment activity shall not be located within 1,000 feet of the public entrance of an establishment licensed to serve alcoholic beverages.

4.4.2 ANTENNA TOWERS FOR CELLULAR TELECOMMUNICATIONS SERVICES OR PERSONAL COMMUNICATIONS SERVICES

An antenna tower for cellular telecommunications services or personal communications services may be allowed in any district after receiving Planning Commission review and approval in accordance with this section. The Planning Commission may delegate its approval authority to a committee of the Planning Commission. The Planning Commission may approve the proposed antenna tower only upon finding that the proposal complies with the Comprehensive Plan and the zoning regulations, including this section. Reasonable attempts to co-locate additional transmitting or related equipment are required. Any request for review of a proposal to construct such an antenna tower shall be made only in accordance with this section.

NOTE: Revised plans are required for co-locations as well as new towers.

If the property is subject to an existing district development plan or to an existing Conditional Use Permit, the property owner shall obtain approval of the appropriate amendment or modification request. Such request shall be filed simultaneously with the antenna tower for cellular telecommunications services or personal communications services request filed pursuant to this section. The property owner shall be responsible for making alternative provisions for any alteration of the district development plan or Conditional Use Permit or shall obtain a variance or waiver of the specific plan or Permit requirement affected by the location of the tower on the site.

A. General Provisions:

1. Documentation: Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services within Jefferson County shall submit a completed uniform application to the Planning Commission, which shall include the following:
 - a. A grid map showing the location of all existing cellular antenna towers and indicating the general position of proposed construction sites for new cellular antenna towers within an area that includes:

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- i. All of the planning unit's jurisdiction; and
 - ii. A one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers
 - b. The full name and address of the applicant;
 - c. The applicant's articles of incorporation, if applicable;
 - d. A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, including boring logs and foundation design recommendations;
 - e. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas;
 - f. Directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions;
 - g. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement demonstrating compliance with KRS 100.987(2);
 - h. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower;
 - i. A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system;
 - j. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas;
 - k. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky;

- l. A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower;
- m. A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:
 - i. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction;
 - ii. Given the telephone number and address of the local planning commission; and
 - iii. Informed of his or her right to participate in the planning commission's proceedings on the application;
- n. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners;
- o. A statement that the chief executive officer of the affected local governments and their legislative bodies have been notified, in writing, of the proposed construction;
- p. A copy of the notice sent to the chief executive officer of the affected local governments and their legislative bodies;
- q. A statement that:
 - i. A written notice, of durable material at least two (2) feet by four (4) feet in size, stating the "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted and shall remain in a visible location on the proposed site until final disposition of the application; and
 - ii. A written notice, at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site;
- r. A statement that notice of the location of the proposed construction has been published in a newspaper of general

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- circulation in the county in which the construction is proposed;
- s. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved;
 - t. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities; and
 - u. A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.
2. Notice: Written notice of the meeting at which the application to construct an antenna tower will be considered shall be given to the owner of every parcel of property adjoining at any point or across the street from the property on which the antenna tower is proposed to be constructed at least ten (10) calendar days prior to the meeting. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.
3. Procedure: After an applicant's submission of a completed uniform application to construct an antenna tower, the Planning Commission shall:
- a. Review the uniform application in light of its agreement with the Comprehensive Plan and the Land Development Code;
 - b. Make its final decision to approve or disapprove the uniform application; and
 - c. Advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the completed uniform application is submitted to the Planning

Commission or within a date certain specified in a written agreement between the Planning Commission and the applicant. If the Planning Commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the Planning Commission and the applicant to a specific date for the Planning Commission to issue a decision, the uniform application shall be deemed approved.

If the Planning Commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the Comprehensive Plan and the Land Development Code. No permit for construction of a cellular or personal communications services antenna tower shall be issued until the Planning Commission approves the uniform application or the sixty (60) day time period has expired and the Planning Commission has failed to issue a decision.

The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The Planning Commission may provide the location of existing cellular antenna towers on which the Commission deems the applicant can successfully co-locate its transmitting and related equipment. If the Planning Commission requires the applicant to attempt co-location, the applicant shall provide the Planning Commission with a statement indicating that the applicant has:

- i. Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or
- ii. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:
 - (a.) Identifies the location of the towers or other structures on which the applicant has attempted to co-locate; and
 - (b.) Lists the reasons why the co-location was unsuccessful in each instance.

- d. The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.

Upon the approval of an application for the construction of a cellular antenna tower by the Planning Commission, the applicant shall notify the Public Service Commission within ten (10) working days of the approval. The notice to the Public Service Commission shall include a map showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Service Commission, the applicant shall be prohibited from beginning construction on the cellular antenna tower until such notice has been made.

- i. **Guarantee:** Any contract with an owner of property upon which a cellular antenna tower is to be constructed, shall include a provision that specifies, in the case of abandonment, the method that will be followed for dismantling and removing a cellular antenna tower, including a timetable for removal. To insure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request under this section shall, at the time of submittal of the list of existing towers, deposit with the Planning Commission and to the benefit of the Planning Commission a letter of credit, a performance bond, or other security acceptable to the Planning Commission in the amount equal to the cost of the demolition and removal of the telecommunications tower. An applicant having multiple towers within Jefferson County may deposit a single guarantee in the amount equal to the cost of demolition and removal of the one telecommunications tower it owns which would cost the most to demolish and remove until such time as the number of its towers exceeds four (4) such facilities, both existing and projected within the current calendar year. At such time as the approved number of an applicant's towers exceeds four (4) such facilities, the applicant shall increase the amount on deposit to an amount equal to the cost of the most costly demolition and removal times 25% percent of that applicant's total number of towers both existing and projected within the next calendar year. Any guarantee submitted shall be irrevocable and shall provide for the Planning Commission to collect the full amount of the guarantee if the applicant fails to maintain the guarantee.
- ii. **Special expert Consultants and Costs:** The Planning Commission may retain special expert consultants as it

deems necessary to provide assistance in the review of site location alternative analysis. Application fees may be established to cover the costs of staff and/or special expert consultant review of requests filed under this section, within any limits established by KRS Chapter 100.

- iii.. Confidentiality: With the exception of the map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, all other information contained in the uniform application and any updates shall be recognized as confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall deny any public request for the inspection of such information, whether submitted under Kentucky's Open Record Act or otherwise, unless ordered to disclose such records by a court of competent jurisdiction or unless confidentiality is waived in writing by the applicant.

- B. Design Standards: At the time of filing of a request under this section, the applicant shall provide information demonstrating compliance with the requirements listed below. Waivers of the following standards may be requested by the applicant and granted by the Planning Commission in accordance with the provisions of **Chapter 11 Part 8**.

1. All structures, except fences, shall be located at least 50 feet from the property line of any residentially zoned property and shall, in all other circumstances, observe the yard requirements of the district in which they are located.
2. The site shall be landscaped in accordance with the requirements of **Chapter 10 Part 2** for utility substations. If the site is an easement, the easement boundaries, exclusive of that portion used strictly for vehicular access, shall be treated as property boundaries for the purposes of applying **Chapter 10 Part 2**.
3. Any monopole, guyed, lattice, or similar type cellular antenna tower and any alternative cellular antenna tower structure similar to these towers, such as light poles, shall be maintained in either galvanized steel finish or be painted light gray or light blue in color. Alternate sections of aviation orange and aviation white paint may be used ONLY when the FAA finds that none of the alternatives to such marking are acceptable.
4. A cellular antenna tower or alternative cellular antenna tower structure may be constructed to a maximum height of 200 feet regardless of the maximum allowed height for the district in which it is located. This also applies to any tower taller than 15 feet constructed on the top of another

building, with the height being the overall height of the building and tower together measured from the grade to the highest point. When any cellular antenna tower or alternative cellular antenna tower structure is taller than the distance from its base to the nearest property line, the applicant shall furnish the Planning Commission with a certification from an engineer registered in the Commonwealth of Kentucky that the tower will withstand winds of 70 miles per hour in accordance with current ANSI/EAI/TAI standards. When a tower taller than 15 feet constructed on the top of another building results in the overall height of the building and tower, including any antenna, being greater than the distance from the base of the building to the nearest property line, the applicant shall furnish to the Planning Commission this same certification

5. A cellular antenna tower or alternative cellular antenna tower structure may be artificially lighted ONLY with steady-burning red obstruction lights (FAA type L-810) or flashing red obstruction lights (FAA type L-864) flashing no faster than 20 flashes per minute. Flashing red obstruction lights (FAA type L-864) flashing faster than 20 flashes per minute, medium intensity flashing white obstruction lights (FAA type L-865 or L-866), high intensity flashing white lights (FAA type L-856 or L-857), or dual flashing red obstruction lights and medium intensity flashing white obstruction lights (FAA types L-864/L-865) may be used ONLY when the FAA specifies that the specific lighting pattern is the ONLY lighting pattern acceptable to promote aviation safety.
6. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, access shall be only from access points approved by the applicable Works Department, and there shall be provided on site an area sufficient to accommodate the parking of the service vehicle.
7. The site shall be enclosed by an eight (8) foot high security fence, and the fence may be located in any required yard at any height, but not in the sight triangle described in [Section 5.1.7.H.](#)
8. Any site to be purchased or leased for the installation of a cellular antenna tower or alternative cellular antenna tower structure and ancillary facilities shall comply with the minimum lot size requirements of the district in which the site is located.
9. The facility shall comply with the FCC's regulations concerning radio frequency emissions. To the extent that the facilities do not comply with the FCC's regulations, the

Planning Commission may establish additional requirements on the basis of the environmental effects of radio frequency emissions. (See P.L. 104-104, Sec. 704).

10. If the use of any cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is discontinued, the owner shall provide the Planning Commission with a copy of the notice to the FCC of intent to cease operations within 30 days of such notice to the FCC. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure will not be reused, the owner shall have 180 days from submittal of the FCC notice to the Planning Commission to obtain a demolition permit and remove the antenna or tower that will not be reused. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is to be reused, the owner shall have no more than twelve (12) months from submittal of the FCC notice to the Planning Commission in which to commence new operation of the antenna or tower to be reused. Upon failure to commence new operation of the antenna or tower that is to be reused within twelve (12) months, the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall immediately obtain a demolition permit and remove the antenna or tower that is presumed abandoned. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the Planning Commission may cause the demolition and removal of the antenna or tower recover its costs of demolition and removal from the Guarantee deposited by the applicant pursuant to this section.
11. The only signs allowed shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.

The following terms relating to Antenna Towers, or Cellular Telecommunications are included in

the Definitions (Chapter 1 Part 2): Antennas or related equipment, Cellular antenna tower, Cellular telecommunications service, Co-location, Personal communication service, Uniform application Utility

4.4.3 FENCES, WALLS AND SIGNATURE ENTRANCES

A. Fences and Walls

1. Height and Location:

NOTE: Refer to Chapter 5 Part 4 for design standards applicable to fences in traditional form districts.

- a. In the R-R, R-E, R-1, R-2, R-3, R-4, R-5, PRD, U-N, R-5A, R-5B, TNZD, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, PD (residential use) and OTF Districts:
 - i. Fences and walls, up to 48 inches in height in the suburban form districts and 42 inches in the traditional form districts, may be located within required front and street side yards except as provided in Figure 4.4.1.
 - ii. Fences and walls up to 8 feet in height and constructed of a solid material (masonry, wood) with an opacity of at least 80% may be located within required side and rear yards. Fences and walls with an opacity less than 80% (e.g. chain link fences) up to 6 feet in height may be located within required side and rear yards. Exception: Wrought iron fences up to 8 feet in height may be located within the required side and rear yards.
 - iii. The height of fences or walls located in a required side or rear yard shall be measured from the lowest grade within a distance of one foot on either side of the fence to the highest point of any portion of the fence.
 - iv. The total height of fences within 5 feet of a public sidewalk or roadway pavements shall be measured by adding the height of the fence and the height of the change of grade. The total height of fences more than 5 feet from a public sidewalk or roadway pavements shall be measured by measuring the height of the fence only. Refer to Figure 4.4.2 for an example of the correct method of measuring fence heights.
 - v. On double frontage lots, where one of the required front yards adjoins a major arterial, minor arterial or collector roadway, and where access is prohibited, a fence or wall may be constructed within that yard up to a height of 8 feet.
- b. In all other zoning districts:
 - i. Fences and walls in all other zoning districts shall be restricted by the maximum building height of that district except when abutting R-R, R-E, R-1, R-2, R-3, R-4, R-5, PRD, U-N, R-5A, R-6, R-7, R-8A, OR-1, OR-2, OR-3, PD (residential use) and OTF Districts in which case a. i), ii) and iii) above shall apply.

NOTE: It is important to check a property's deed for restrictions on fences (location, materials and general permissibility).

NOTE: If a fence is mandated by the Land Development Code, the finished side of the fence must face the lower intensity use. See [Section 10.4.9](#)

2. Fences and walls not located within a required yard shall be restricted by the maximum building height of that zoning district.
3. Fences and walls required for swimming pools shall be a minimum height of 4 feet above grade and have a self-closing, self-latching lockable gate.

4. No person shall install, construct, maintain, or permit the installation, construction or maintenance of barbed wire fence or fence including barbed wire or razor wire components, partially or wholly upon property owned, occupied or controlled by such person, firm, corporation or other legal entity except in accordance with the following standards.
 - a. Razor wire is permitted only if located at all points at least 8 feet above grade level.
 - b. In residential form districts (TNFD, NFD, VFD), barbed wire fencing located less than six feet above grade level is permissible only when used to enclose livestock.
 - c. In workplace form districts (TWFD, SWFD) barbed wire and razor wire fencing is permitted, provided that paragraphs a and d of this section are met.
 - d. Fences that adjoin residentially used or zoned property in any form district may include barbed wire or razor wire only if reviewed and approved by the Planning Director or designee based on a finding of unique circumstances or exceptional security needs.
 - e. Agricultural uses are exempt from items a through d above.

B. Signature Entrances

1. Definition:

Signature entrance: Any wall(s), fence(s), guard house, or similar structures exceeding 4 feet in height, constructed at an entrance to a major single family subdivision or to a multi-family complex of ten units or more.

2. Location:

The signature entrance shall not obstruct roadside drainage or through-drainage facilities and shall allow for adequate sight distance. The Public Works Department may require that the location of the proposed signature entrance be staked in the field and reviewed prior to construction plan approval.

Signature entrances shall not be permitted within utility or drainage easements without prior approval from the agency to whom the easement has been dedicated.

Signature entrances shall not be permitted within the right-of-way of major arterial, minor arterial or collector roadways except those collector roadways functioning as the primary entrance to the proposed development and provided that approval from the appropriate Public Works Department is obtained.

Signature entrances may be located within the right-of-way of a local or minor level street if approved by the Public Works Department.

Encroachment permits and License Agreement or other legally binding agreement must be received prior to construction plan approval for any signature entrance to be located within a right-of-way.

Any public agency responsible for maintenance of facilities within the right-of-way may require for any reason the removal of a signature entrance located within the right-of-way under the terms of the License Agreement or other legally binding agreement.

3. Height:

The height of a signature entrance shall be measured from the ground to the highest point including columns or other ornamentation. When signature entrances are constructed on man-made berms, the berm will be considered in the overall height.

The maximum height of a signature entrance shall be 14 feet depending on the setback (see Table 4.4.1). Light fixtures and guard houses may extend an additional 4 feet (see illustrations, below).

4. Length:

The maximum length of a Signature Entrance shall not exceed 150 feet on each side of the entrance roadway. Any structure extending beyond this length shall be considered a fence or wall and the requirements as stated in Section (B) of this regulation shall apply (see illustrations, below).

5. Proximity to Structure on Lot and Driveway:

Signature Entrances shall be constructed a minimum of 20 feet from dwellings and driveway entrances (see illustrations, below).

6. Signage on Signature Entrances

Two signs, not exceeding 15 square feet in area each, attached to the signature entrance may be provided at each entrance to the development. Refer to **Chapter 8** (Sign Regulations) for specific information.

7. Setback Requirements

Any signature entrance exceeding 4 feet in height as allowed in this section shall be setback from the right-of-way on which it fronts a distance of not less than that prescribed in Table 4.4.1. Columns, light fixtures and similar ornamentation may extend a maximum of 24 inches into this setback area. Any portion of a signature entrance, wall or fence constructed with appropriate

Public Works Department approval in the right-of-way shall be exempt from the setback requirement.

TABLE 4.4.1

<i>Setback Distance from R.O.W</i>	<i>Maximum Height Allowed</i>
10'	14'
9'	13'
8'	12'
7'	11'
6'	10'
5'	9'
4'	8'
3'	7'
2'	6'
1'	5'
0'	4'

In order to mitigate the visual impact of lengthy structures on adjacent vehicular corridors and land uses, any signature entrance, fence or wall greater than or equal to 8 feet in height as allowed in this section and 100 feet in length shall have plantings adjacent to at least 50% of its exterior facade. Such plantings shall conform to the standards of variety, size, spacing and quality set forth in **Chapter 10 Part 4** of this regulation. In no such case shall fences or walls extend a distance greater than 100 feet without providing a visual break in the form of evergreen shrubs spaced one plant every 4 feet or evergreen trees spaced as indicated in **Chapter 10 Part 4** of this regulation, which, at maturity, will equal or exceed one-half the height of the fence or wall.

8. Dimensional Variances

Portions of this regulation that govern height or length or setback requirements may be modified by the Board of Zoning Adjustment. The Board may grant a dimensional variance after a public hearing if the requirements of KRS 100.243 are found to be met. A variance application filed simultaneous with a zoning change request or subdivision request for a given property may be granted by the Planning Commission.

9. Plan Approval Process

Signature Entrance plans shall be reviewed for compliance and approved by the Division of Planning and Design Services, as well as Public Works Department if the signature entrance is located in the public right-of-way. Signature entrance plans submitted shall bear the seal of a registered engineer, architect or landscape architect licensed to practice in the Commonwealth of Kentucky.

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ILLUSTRATIONS

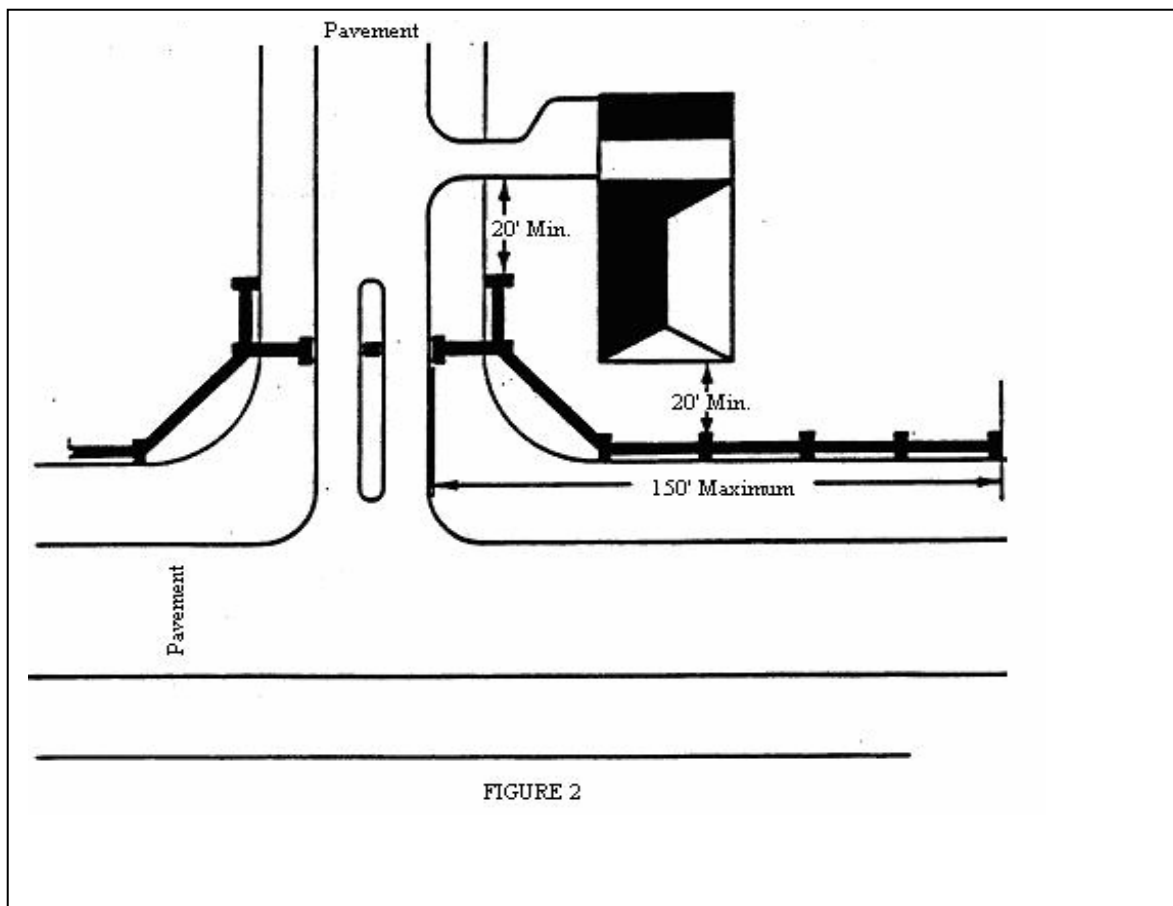
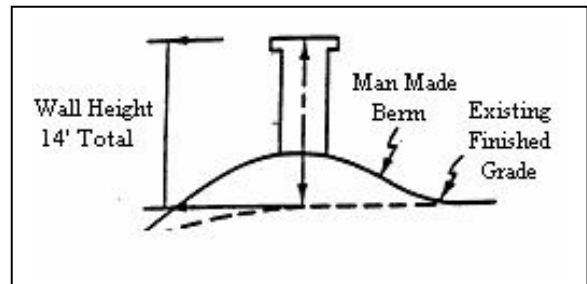
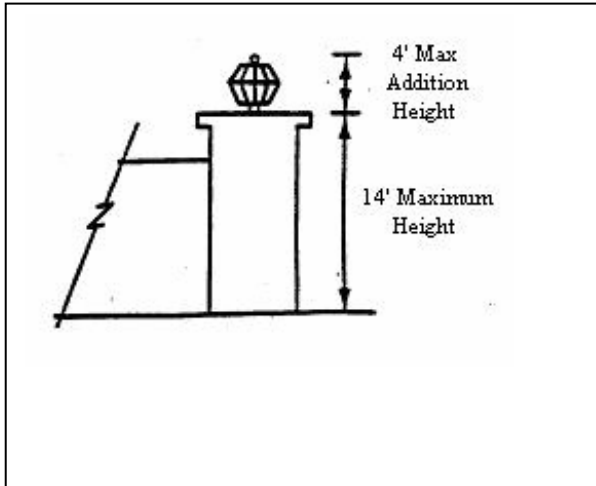
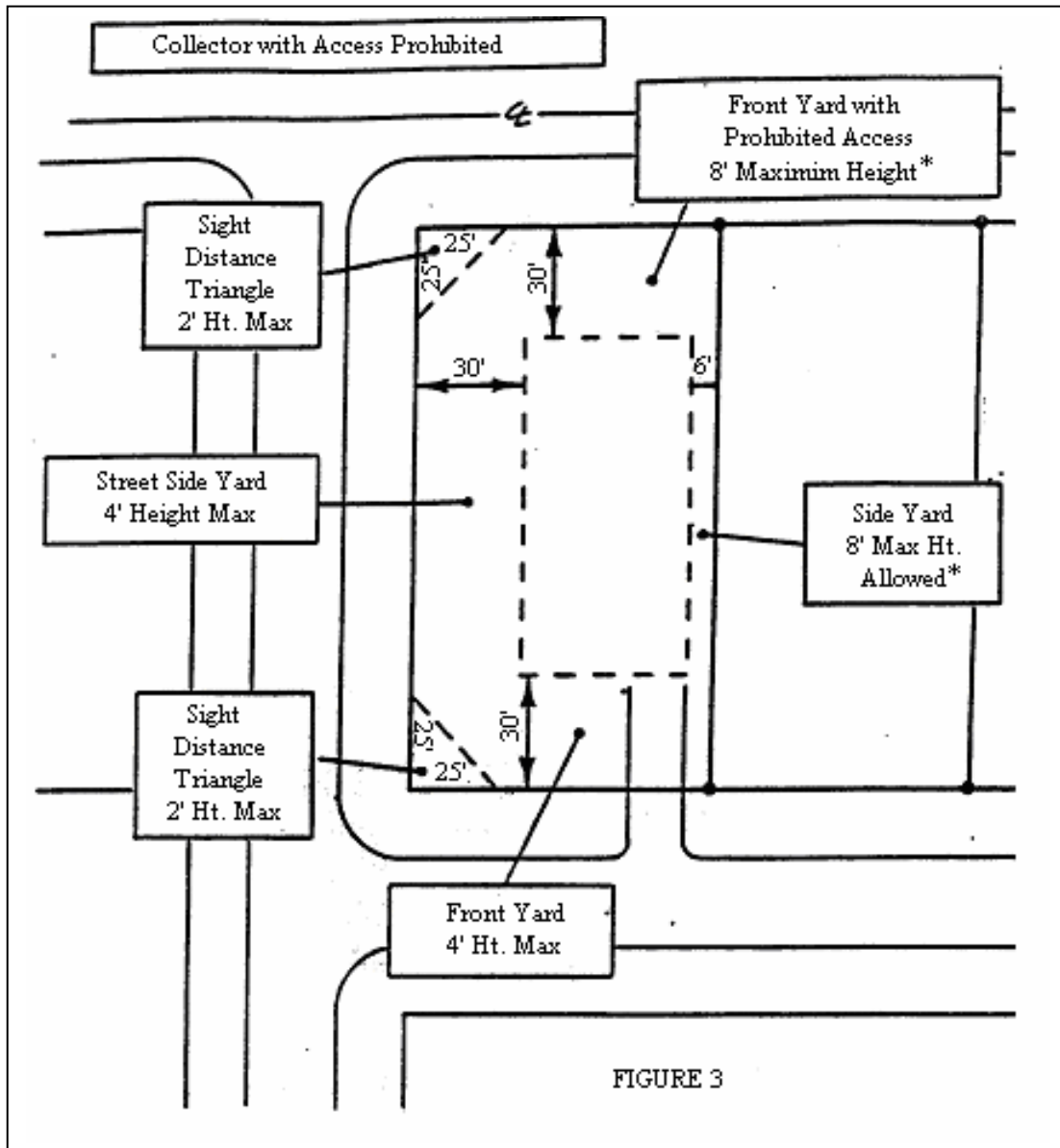


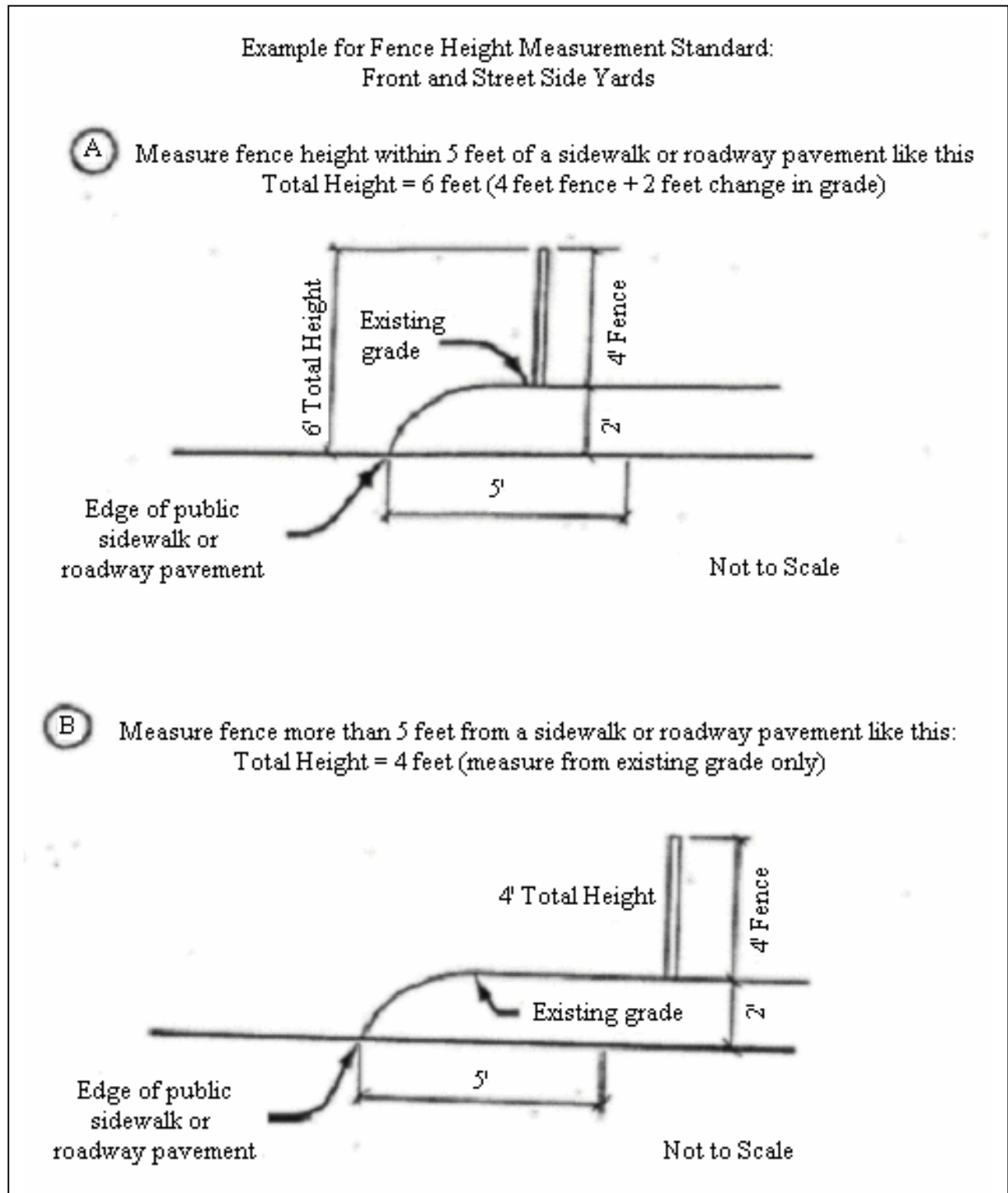
FIGURE 2

Figure 4.4.1



* For fences and walls constructed of solid materials or wrought iron only. Fences and walls constructed of chain link material have a 6' maximum height allowance.

Figure 4.4.2



4.4.4 GARAGE SALES

A. Definition:

Garage Sale: As an accessory use of residential property, the sale of goods that are no longer needed or used at the site of the sale, whether advertised in local media, by signs, or otherwise as a garage sale, yard sale, household sale, moving sale, barn sale or other sale, accomplished by direct sale; or

The sale, at the seller's place of residence, of all or part of the household goods or items, in conjunction with vacating the residential premises by the seller or the seller's estate, whether accomplished by direct sale or auction; or

Sales conducted by civic groups, school groups, church groups, charitable or fraternal organizations and other non-profit organizations if such sale is held on the organization's premises. The sale of new or used goods purchased or consigned specifically for garage sales is prohibited.

- B. No more than two garage or yard sales per calendar year, lasting no more than two days each, may be conducted on a given property.
- C. A garage or yard sale may not exceed 1,800 square feet of sales area.
- D. No garage sale item(s) may be placed in the right-of-way.
- E. All signs used to advertise or direct traffic to a garage sale must be removed within 48 hours of the conclusion of the sale.

4.4.5 HOME OCCUPATIONS

A. Intent.

The intent of this Section is to allow an occupant or occupants of a residence located on residentially zoned property to engage in a home occupation, trade, profession or business within said residence and its accessory structure(s) provided that such an activity does not adversely affect adjacent or nearby residents or the neighborhood as a whole.

B. Employees.

1. Employees working or meeting at the home occupation site shall be limited to persons who reside in the dwelling unit except that one nonresident employee shall be permitted to be at the site at any one time.
2. The owner/operator of a home occupation may apply for a conditional use permit to allow up to two additional nonresident employees (up to three total) if the following criteria are met:

"Home Occupation"
shall mean an occupation, trade, business or profession conducted within a dwelling unit or a structure accessory to a dwelling unit by an individual or group of individuals who are residents of the dwelling unit. This use shall be clearly incidental and secondary to the primary use as a residence.

NOTE: Some subdivisions may restrict or prohibit home occupations through deed of restrictions.

- a. The property on which the home occupation is located must be at least three acres in size to apply for one additional nonresident employee (two total).
- b. The property on which the home occupation is located must be at least five acres in size to apply for two additional nonresident employees (three total).

C. Exterior Appearance.

There shall be no change to the exterior appearance of the dwelling unit that houses the home occupation and there shall be no visible evidence of the conduct of a home occupation as viewed from the public-right-of-way and adjacent properties.

D. Number of Customers, Clients and Pupils Permitted.

No more than two customers, clients or pupils shall be permitted on the site at any one time except that an occupant of a single-family dwelling may provide group or professional therapy for no more than four individuals at one time. Appointments for clients must be scheduled with an allowance of time for one client or group of clients to leave before the succeeding client or group of clients arrive so as to avoid parking conflicts.

E. Signage.

No signage associated with a home occupation shall be permitted. This includes, but is not limited to, the placement of a business sign on or near the site. This shall not preclude the placement of a sign on a vehicle owned or leased by a resident that is parked on the premises in accordance with applicable regulations.

F. Parking and Deliveries.

1. Any parking needed to accommodate the customers, clients or pupils being served by a home occupation shall be provided off-street on the dwelling unit's existing parking area/ driveway, except as provided in (2) below. The permit issuing authority shall determine whether the site has enough parking available in the parking area/ driveway to accommodate the parking generation expected from the proposed home occupation. Driveways may not be expanded or altered in any way to accommodate the expected parking needs of a home occupation.
2. On-street parking spaces may be used to accommodate a home occupation only if the owner/operator provides the Planning Director with a parking study that meets the requirements of **Section 9.1.17** (Parking Studies) of the Land Development Code and the Planning Director finds that the use of the on-street parking spaces by the home occupation will not adversely affect adjacent or nearby residences. If the Planning Director is unable to make such a determination, he/she may forward the request to the Planning Commission or its designee for final approval.

3. Deliveries associated with the home occupation shall not be made using tractor- trailers. No more than two commercial deliveries (e.g. UPS, Federal Express, US Postal Service Express Mail) shall be made in any 24-hour period.

G. Permitted Locations and Maximum Size/Area.

1. The operation of home occupations shall be limited to the dwelling unit (including the basement and attached garage) and one roofed and fully enclosed accessory structure located on the site.
2. The area occupied by home occupations shall not exceed the limits specified below. The maximum area calculation shall include the space in which the home occupation is conducted as well as any areas that the home occupation's employees, customers, clients or pupils typically use including hallways, bathrooms and kitchens, when applicable. When all or a portion of the activity associated with a home occupation is proposed to occur in an accessory structure then the floor area of that accessory structure may be included in the calculation of the residence's floor area.
 - a. A home occupation situated on a lot of less than one acre shall occupy no more than 25% of the floor area of the residence or 500 square feet in area, whichever is less.
 - b. A home occupation situated on a lot greater than one acre shall occupy no more than 25% of floor area or 1,000 square feet, whichever is less.
3. All activities associated with a home occupation are prohibited from occurring outside of the residence and its accessory structure except as specifically permitted.

H. Hours of Operation.

1. Any home occupation that accommodates customers, clients or pupils on the site shall not be permitted to operate between the hours of 9 P.M. and 7 A.M.
2. No nonresident employee may work at a home occupation between the hours of 9 P.M. and 7 A.M.

I. Other Requirements.

1. No machinery, equipment, or process used or conducted in association with a home occupation shall create any noise, vibration, fumes, odors, dust or electrical interference that is detectable:
 - a. Off the lot if the home occupation is conducted in a single family dwelling unit; or
 - b. Outside the dwelling unit if the home occupation is conducted in something other than a single-family dwelling unit.

2. No equipment discernibly identified with a home occupation may be stored outside the residence unless it is located within an accessory structure.
3. The sale of agricultural goods (e.g. flowers and vegetables) that are grown on the site shall be permitted as a home occupation as long as the other requirements of this Section are met.
4. More than one home occupation may be permitted within a dwelling unit, however the cumulative impact of the home occupations shall not exceed the maximum limits for the number of employees, number of customers, clients and pupils, parking and delivery restrictions, and maximum size/ area limits prescribed by this Section.

NOTE: Uses generally acceptable as home occupations include:

Day care facilities (6 or less individuals)(in effect within Louisville Metro only)
 Day care facilities (7 or less individuals) (not in effect within Louisville Metro and the City of Prospect)
 Mail Order Operations
 Woodshops
 Beauticians

The offices of the following professionals:

Accountants, Architects, Attorneys, Engineers, Real estate brokers, Sales and Manufacturing
 Representatives, Financial advisors, Insurance agents, Landscape architects Counselors, Mediators
 Travel agents, Therapists, Chiropractors, Psychologists, and Psychiatrists

J. Prohibited Home Occupations.

The following uses/activities are prohibited as home occupations unless expressly permitted by other provisions of this Section. If, in the opinion of the permit issuing authority, a use or activity that is proposed as a home occupation is not specifically listed as prohibited, but has characteristics of a use or uses that are listed and could negatively impact the residential character of the neighborhood in which it is proposed, then that use/activity shall be prohibited as a home occupation. Such determinations may be appealed to the Board of Zoning Adjustment..

Any use or activity that does not meet the requirements of this Section;
 Adult Entertainment;
 Auto or Other Vehicle Sales, Service, Rental or Repairs
 (excluding minor repairs made to vehicles owned or leased by residents of the site);
 Bed and Breakfast;
 Daycare Facilities (except as otherwise permitted)
 Clubs;
 Dentistry;
 Drive-In Facilities;
 Eating and Drinking Establishments;
 Escort Services
 Group Instruction or Therapy with more than four students or clients on the premises at a time;
 Health Spas (excluding personal trainers / massage therapist);
 Hospitals and Clinics;

Hotels/Motels;

Kennels;

Large appliance repair

Lawn mower repair

Machine shop

Medical examinations or treatment (other than psychiatry as expressly permitted herein);

Plasmapheresis;

Retail Advertising;

Retail and Wholesale Sales (except as otherwise permitted);

Taxi or Limousine Service;

Whole Blood Facilities;

Manufacture of Goods;

Distribution of Goods (excluding mail order operations);

Storage of Goods to be Offered for Sale;

Display of Goods

K. Registration of Home Occupations.

Prior to the establishment of any home occupation that (i) serves customers, clients or pupils at the site, or (ii) has one or more non-resident employees, the proprietor shall register the occupation. Day care centers as a home occupation shall require a home occupation registration. The registration shall not be transferable and shall not run with the land; it shall terminate upon sale or transfer of the property to a new owner or tenant. The Planning Director shall maintain records of registered home occupations.¹ The registration form shall be the basis for determining compliance with the requirements of this section 4.4.5. Home occupation proprietors shall be responsible for updating their registration forms, at such time as their operations change from the activities described in the registration documents. Any home occupation meeting either criteria (i) or (ii) above that was established before the effective date of this Section shall have one year from the effective date of this Section to register the home occupation.

4.4.6 INACTIVE CEMETERIES**A. Definition:**

Inactive cemetery, for the purposes of this section, shall mean any cemetery, private or family cemetery, church cemetery, or historic or prehistoric burial ground not used for interment of human remains within the last ten years.

Cemetery with undefined boundaries, for the purposes of this section, shall mean any cemetery or burial ground the limits of which are not delineated on any a map, in a written description in wills or deeds, or by a wall or fence. or specific cemetery vegetation. This term shall also apply to any burial site(s) where graves are discovered outside of defined cemetery boundaries.

NOTE: The procedure for the removal and relocation of a cemetery is set out in KRS 381.720 - KRS 381.767.

B. Requirements:

A parcel of land on which an inactive cemetery-is located or an adjacent parcel of land may be used as allowed by the site's zoning classification and other applicable regulations, with the following additional restrictions:

1. **Preservation:** All existing cemeteries and burial grounds shall be preserved and maintained in accordance with applicable Kentucky Revised Statutes, Kentucky Administrative Regulations, and federal laws and regulations state law. Relocation or removal of gravesites shall occur only as specified in applicable federal, state and local laws and regulations. The Jefferson County Office of Historic Preservation and Archives shall be notified in writing by supplying to the office copies of all state and local applications and permits prior to the relocation procedure.
2. **Notification:** The applicant shall notify the Jefferson County Office of Historic Preservation and Archives and the Kentucky Historical Society of the location of any cemetery or burial ground prior to development or subdivision of the parcel.
3. In preserving a cemetery while at the same time developing a parcel, an applicant, property owner, or developer has the following options:
 - a. Transfer the existing cemetery as part of a buildable lot. Ownership and maintenance of the cemetery shall be transferred to the individual lot owner.

- b. Make the existing cemetery a separate lot permanently preserved from development of structures or other non-cemetery improvements. Ownership and maintenance of the cemetery shall be transferred by written agreement to either a subdivision Homeowner's Association, a local legislative unit, or an historical organization. A legally created transfer agreement must be finalized and executed, and a copy provided to DPDS, within 90 days of any final approval of a record plat or development plan. The Planning Commission or its designee may grant up to two thirty-day extensions for the execution of said transfer agreement. Failure to execute the agreement or provide the copy may render the final approval of a subdivision plan or district development plan null and void.
 - c. The applicant shall inform the Planning Commission which of the above listed options they choose to pursue prior to approval of any development or subdivision.
- 4. Building Setbacks
 - a. For cemeteries with defined boundaries (such as a wall or fence), all buildings and structures other than fences and walls shall be set back at least 30 feet from the perimeter. Land disturbance within 30 feet of the perimeter except as described in number 6 below shall not be allowed. Prior to initiating any site disturbing activities and for the duration of the site preparation and construction processes, the 30-foot buffer area shall be delineated by installation of temporary fencing so as to be readily identifiable.
 - b. For cemeteries with undefined boundaries, the Commission may require certification of a cemetery with undefined boundaries by an archaeologist (as defined in 36 CFR Part 61). Documentation of acceptance of the cemetery boundaries by the Historic Landmarks Commission or delegated staff persons shall be provided for Planning Commission and building permit agency files prior to initiation of any site disturbance activities. After the boundary has been approved, all buildings and structures other than fences and walls shall be set back at least 30 feet, or another distance set by the Jefferson County Historic Landmarks Commission.

5. Security: Existing cemetery fences and walls shall be maintained and repaired. The property owner or developer is required to erect a new permanent enclosure (if one does not exist) surrounding the cemetery. For cemeteries with undefined boundaries, the location of the fence shall be established in accordance with procedures acceptable to the Jefferson County Historic Landmarks Commission. The new permanent fence shall be made of a material compatible with the character of the existing cemetery and surrounding residences. If a portion of an original wall or fence remains, and it is a compatible material (e.g. stone, brick, cast iron, wooden picket) the permanent fence or wall shall be properly repaired using the same material. If the existing fence is an inappropriate material (e.g. barbed wire or farm fence), it shall be replaced with a new fence of an appropriate material. Although the permanent fence must be erected as soon as practical, a temporary fence must be erected and maintained at all times during site development and construction. The Jefferson County Historic Landmarks Commission shall be responsible for determining the appropriateness of materials.
6. Maintenance: Existing cemetery planting or foliage shall be pruned and generally left in its natural state. The Jefferson County Historic Landmarks Commission shall be responsible for determining the appropriateness of landscaping used in and immediately surrounding all inactive cemeteries. Cemeteries shall be maintained both during site development and after construction is complete in accordance with Chapter 96 of the Jefferson County Code of Ordinances.
7. Public access shall be provided and permanently maintained to an existing cemetery with a minimum 15-foot recorded ingress-egress access easement.
8. A statement by the property owner, applicant, or developer shall be made on the site plan or subdivision plan regarding permanent cemetery ownership and maintenance. This information shall also be included on a Final Plat for a subdivision if recorded after the effective date of this regulation.
9. A deed restriction in a form approved by the Planning Commission legal counsel shall be recorded acknowledging the location, site, ownership, and maintenance of a cemetery.
10. Yard Requirements: No area occupied by graves may be counted toward the area required for front, side, street-side or rear yard requirements.
11. If human remains are discovered during the excavation or development of a site the applicant shall immediately cease excavation activities and notify the Jefferson County Coroner and the Jefferson County Historic Landmarks Commission.

4.4.7 MINOR EARTH EXCAVATIONS

- A. On land in any zone, at the option of the property owner, a minor earth excavation not constituting a quarry, borrow pit or commercial operation, and/or filling of land with non-combustible, inorganic materials may be performed without a conditional use permit where all of the following conditions are met and agreed to:
1. The operation is performed in compliance with a plan which has received approval of the agency responsible for surface drainage/storm water drainage and from the Planning Director of the agency that provides staffing to the Planning Commission which may include provisions relating to bonding, remedies for violations, and correction of problems not anticipated at the time of approval. Approval by the responsible governmental officials shall be based on a finding that the plan complies with the Erosion Prevention and Sediment Control ordinance and that it will not likely result in unreasonable inconvenience, annoyance, or harm of any nature to the public, nearby property, or environmental features (i.e. karst features, streams) because of circumstances associated with the area or the operation.
 2. Earthfills shall be permitted when the volume does not exceed 1,500 cubic yards for each acre to be filled or 250 total cubic yards of fill material, whichever limit is less restrictive. Excavations shall be permitted when the volume does not exceed 750 cubic yards of excavated material for each acre excavated or 100 total cubic yards of excavated material, whichever limit is less restrictive. An earthfill or excavation which exceeds the restrictions of this paragraph may be permitted if the earthfill or excavation is for a foundation of a structure or structures or other development which has (have) received all necessary Planning Commission, Board of Zoning Adjustment, and other government approvals and permits.
 3. The filling or excavation shall be completed and the area involved shall be stabilized and re-vegetated in accordance with the approved plan within nine (9) months of approval of the plan. Refer to **Chapter 4 Part 12** Erosion Prevention and Sediment Control for specific site stabilization standards.
 4. Fill materials are limited to clean (or uncontaminated) sand, clay, silt, gravel, soil, or other non-polluting, inorganic, non-combustible material approved by the Metropolitan Sewer District or successor.
 5. Failure to comply with the approved plan or the violation of any order of any reviewing governmental official relating to the operation shall constitute a violation of these regulations resulting in the imposition of penalties set out in **Part 11.10** in addition to all other appropriate remedies agreed to in the plan or otherwise allowed by law.

This exception is made primarily for the purpose of reducing frequently unnecessary delay caused by the strict enforcement of [Section 4.2.22](#), and the exclusive remedy for any property owner complaining of an action or order of a reviewing governmental official relating to the operation shall be to seek a conditional use permit from the Board of Zoning Adjustment in accordance with [Section 4.2.22](#).

4.4.8 OUTDOOR SALES, DISPLAYS AND STORAGE

The intent of this Section is to provide for the appropriate location and design of outdoor sales, display and storage areas and to mitigate any adverse impacts that such uses may have on adjacent properties and rights-of-way.

A. Definitions.

Outdoor Sales and Display is the placement of any items(s) outside a building in a nonresidential zoning district for the purpose of sale, rent or exhibit. (This shall not include outdoor dining and seating areas associated with a restaurant.)

Outdoor Storage is the keeping or stockpiling of any item(s) outside a building in a non-residential zoning district that is not directly accessible by the general public for more than twenty-four hours. The placement of moveable containers, including semi trailers and containerized freight boxes, for the purpose of storage of inventory on a temporary basis (not to exceed two months in any calendar year) shall be considered outdoor storage.

Screened from View shall mean either visually continuous plantings, a solid fence, wall or earth mound, or a combination of such elements that provide a barrier with an average height of one foot above the material being screened, except that said screening shall not be required to exceed eight feet in height. All screening material shall meet the criteria stated in [Chapter 10](#) of the Land Development Code in terms of quality and design.

- B. Outdoor sales, display and storage shall be permitted in the C-1, C-2, C-M, EZ-1, M-2, M-3, PD and PEC zoning districts only when the requirements of this Section are met.
- C. Outdoor sales, display and storage shall be permitted in the C-1, C-2 and C-M zoning districts as well as commercial uses permitted within the PDD, M-2, M-3, EZ-1, and PEC zoning districts only when the following standards are met.
1. Outdoor Sales and Display Standards:
 - a. Outdoor sales and display may be permitted within an area not greater than 800 square feet or 10% of the ground floor area of the building, whichever is greater, and shall be located at least 25 feet from any residentially used or zoned property.

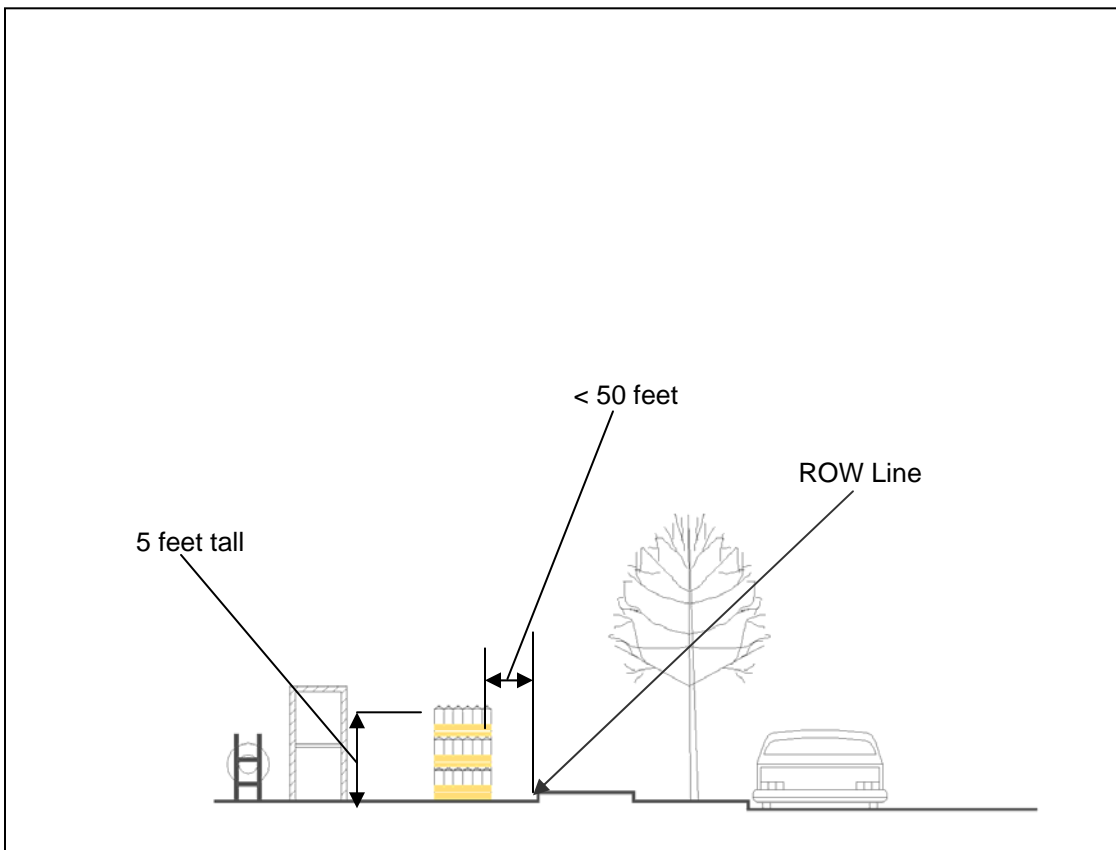
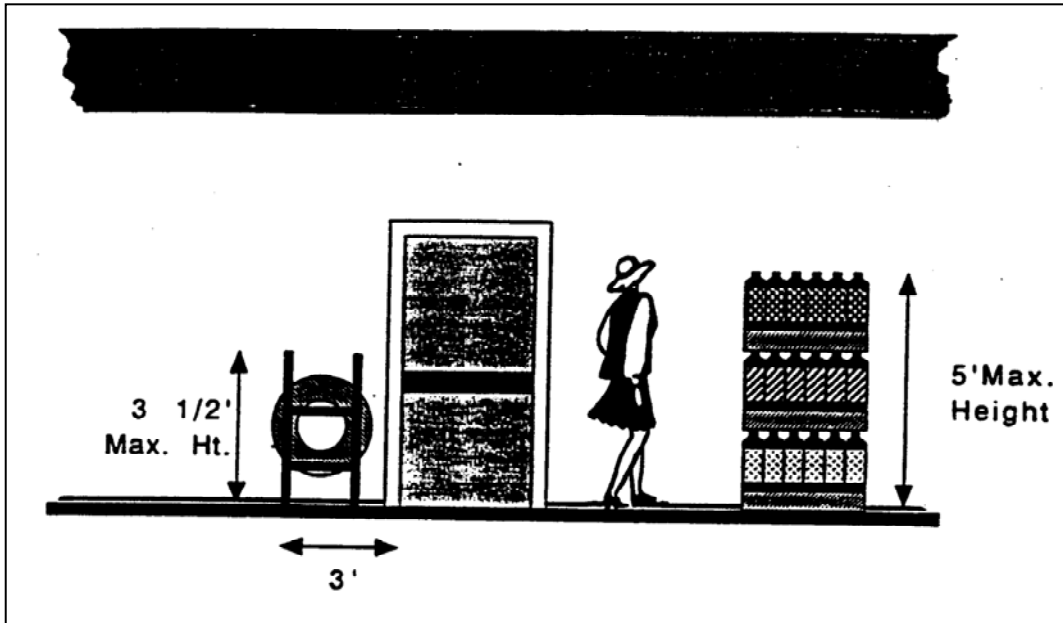
- b. When outdoor sales and display occurs within 25 feet of a public right-of-way, item(s) shall not exceed 5 feet in height and shall be *screened from view* from the public right-of-way.
 - c. Stacked items located less than 50 feet from a public right-of-way shall not exceed 5 feet in height. Any material within 3 feet of any building entry shall not exceed 3.5 feet in height. (see illustration, below)
 - d. Vending and ice machines shall be permitted outside of the building when located against and parallel to the building facade. These items shall count towards the total outdoor sales and display area permitted by this Section. Vending machines shall include newspaper, beverage, food, or snack dispensers. Public telephones and mailboxes are excluded from this regulation.
 - e. Outdoor sales and display of items shall be located on a “hard and durable” surface as defined by Metro Public Works Standards.
2. Outdoor Storage Standards:
- a. Outdoor storage may be permitted in areas that are designated for employees only and made inaccessible to the general public by means of a fence, wall or other permanent, secured enclosure or in areas that are set back a distance of not less than 50 feet from any public building entry, parking lot, pedestrian facility or similar publicly used area.
 - b. Outdoor storage shall not occur within 25 feet of any public right-of-way.
 - c. Outdoor storage shall be *screened from view* from any abutting property.
 - d. Moveable storage containers including semi trailers and containerized freight boxes, for the purpose of storage of inventory on a temporary basis, shall meet the following requirements in addition to the other provisions of this Section:
 - i. Containers shall be allowed on the site only in accordance with a permit issued by the building permit issuing authority. A copy of the permit shall be kept on the site and shall be available for inspection.
 - ii. The use of containers on the site shall be allowed for no more than two months in any 12- month period.
 - e. Outdoor storage of new or used tires shall meet the following standards:

- i. Tires shall be stored in compliance with applicable public health regulations.
 - ii. Outdoor tire storage shall not occupy an area greater than 300 square feet, unless a conditional use permit (4.2.44) has been granted.
 - iii. Tires stored outside shall be neatly stacked; no stack shall be higher than 8 feet.
 - f. All items stored outside shall be placed on a “hard and durable” surface as defined by Metro Public Works Standards.
- D. The following uses are exempt from the requirements set forth in (C) of this Section as follows:
 - 1. Areas designated for the outdoor sale, display or storage of plant material including live plants, fruits and vegetables and seasonal holiday related plant materials such as Christmas trees and pumpkins. This exemption does not include rock, mulch, pavers, landscape timbers and similar building materials.
 - 2. Sale, display or storage areas for either automobile, boat and similar passenger or recreational vehicles or truck/trailer rentals which have met applicable vehicular use area screening and buffering requirements as set forth in **Chapter 10** of the Land Development Code.
 - 3. Retail operations that occur under a permanent canopy structure.
- E. The following standards shall apply to all outdoor sales, display and storage.
 - 1. Any area proposed to be used for outdoor sales, display or storage in accordance with this Section shall be accurately delineated on the applicable development plan.
 - 2. No outdoor sales, display or storage shall be allowed in areas set aside, required, or designated for driving aisles, driveways, maneuvering areas, emergency access ways or vehicular parking necessary to meet the minimum number of off-street parking spaces as specified in this section and in **Chapter 9** of the Land Development Code.

NOTE: The 4-foot unobstructed path complies with current ADA standards.

3. Outdoor sales, display or storage items, including newspaper boxes, may be located on sidewalks in the public right-of-way only if permitted by the Director of Works. Such items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a four foot minimum width is maintained. Materials located at the edge of a pedestrian way adjacent to a driving aisle shall not extend along that edge a distance for more than ten feet without providing a break of not less than three feet in width to allow for access on to the pedestrian way.
4. Items for outdoor sale, display or storage shall be *screened from view* from any abutting residentially zoned or used property. A property shall not be considered residentially used if the first floor is occupied by a nonresidential use or uses.
5. No outdoor sales, storage or display areas shall be located in the sight distance triangle as defined in **Chapter 5 Part 1** of the Land Development Code or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement as determined by the Works Department.
6. One additional parking space shall be required for each 500 square feet of outdoor sales and display area unless more specific parking requirements are provided in **Chapter 9 Part 1** of the Land Development Code.
7. Any product located outdoors in a manner constituting a sign as defined in **Chapter 1** of the Land Development Code must conform to the requirements set forth in **Chapter 8**.
8. No outdoor sales, display or storage shall be allowed within 30 feet of the right-of-way of any designated Parkway, Olmsted Parkway or Scenic Corridor or within any required parkway or scenic corridor buffer area.
9. Uses conducting outdoor sales, display, or storage in a manner not permitted by this Section may be cited in accordance with **Chapter 11** (Enforcement) of the Land Development Code. If a use is cited for non-compliance and said use desires to continue outdoor sales, display or storage activities in compliance with the requirements of this Section, then a site plan showing areas in which outdoor sales, display or storage will be conducted on the site in accordance with this Section shall be required. The site plan shall be drawn to scale and shall indicate portions of the lot beyond which outdoor sales, display and storage shall not be conducted, and shall indicate the locations of permanent structures and other features to allow ready determination of adherence to the site plan. After the plan has received approval by the Planning Commission staff, the site plan shall be maintained at the business location and shall be available for review at time of inspection.

10. When the requirements of this Section differ from other provisions of the Land Development Code, the more stringent standard(s) shall apply.



4.4.9 REFUSE DISPOSAL CONTAINERS

- A. No refuse container shall be located in any required vehicular use area, or in any required buffer or landscape area.
- B. When located on a non-residentially used parcel adjoining a residential use, refuse containers shall be opaquely screened from view from public streets and adjacent properties to a height of at least 6 feet, or 6 inches higher than the height of the container (whichever is higher). This screening may be achieved by walls, landscaping or buffer yards, or by virtue of the location of the container on the building site.

4.4.10 SWIMMING POOLS

- A. A private swimming pool shall not be constructed in any required front, street side, or side yard.
- B. Private swimming pools, as well as any building or structures which accompany the pool (pool house, deck, etc.), must conform to all setback and area requirements as stated in the Accessory Uses section of the appropriate form district.
- C. A private in-ground or above-ground swimming pool may be constructed in a required rear yard in excess of the maximum coverage as specified in the appropriate form district, provided such pool shall be no closer than five feet to any property line.
- D. Private swimming pools in any location shall be enclosed by a continuous barrier such as a building wall or by a fence at least 48 inches in height, with a self-latching gate. Above ground pools with a vertical barrier of at least 48 inches that are made inaccessible by removal of the ladder or similar measure are allowed without a fence.
- E. Any buildings or structures in conjunction with a pool shall be classified as accessory buildings unless they are part of the main building.

4.4.11 Portable Storage Devices

Portable storage devices (or containers) shall be allowed on residentially zoned or used property for a period of time not exceeding 30 days or 7 days beyond the final inspection related to a permitted renovation or alteration activity, whichever is longer.